

5

Notice of Allowability	Application No.	Applicant(s)	
	10/783,724	DAHLMANN ET AL.	
	Examiner	Art Unit	
	James Goloboy	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/4/2007.
2. ☒ The allowed claim(s) is/are 1-4, 6-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

DETAILED ACTION

1. The rejections set forth in the office action mailed 10/12/06 are overcome by applicant's amendment of 1/4/07.

Statement of Reasons for Allowance

Searches of EAST and non-patent literature did not turn up art which disclosed or suggested the compound of claim 1, from which all other claims depend. A STIC structure search was performed and also did not find any applicable art. Vartanian (U.S. Pat. No. 4,171,959) teaches in column 1 lines 46-54 a quaternary ammonium salt that differs from the compound of claim 1 in that it does not contain a polyether group (i.e. $m = 0$). Vartanian also teaches in Table 1 (column 6 lines 15-32) that the quaternary ammonium salts have superior properties compared to analogous non-quaternary compounds. Carlisle teaches a similar succinimide (Structure I, column 2 lines 15-32), and in column 3 lines 1-3 teaches that it may contain a polyether group. However, Carlisle teaches against quaternizing the succinimide in accordance with the teachings of Vartanian to form the compound of claim 1. In column 3 line 3, Carlisle teaches that when the compound contains a polyether, X and Y are hydrogen, while claim 1 requires the analogous R_3 and R_4 groups to contain at least 1 carbon atom each. The succinimide of Vartanian also requires alkyl groups instead of hydrogens. Moreover, Carlisle teaches in column 1 lines 64-68 that the dispersant must have a primary or secondary amino group, which is also outside the limits of claim 1 and Vartanian. The Carlisle reference thus teaches against the quaternization of the polyether-containing

Art Unit: 1714

succinimide to produce the compound of claim 1, and also teaches against the substitution of a polyether into the compound of Vartanian to produce the compound of claim 1. Therefore, Carlisle and Vartanian do not teach or suggest the compounds of claim 1 and its dependent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Goloboy whose telephone number is 571-272-2476. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/783,724

Page 4

Art Unit: 1714

James C. Colobay
JCG

Vasu Jagannathan
VASU JAGANNATHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700